REMARKS

Claims 1, 4-10 and 13-18 were pending. Claims 2-3, and 11-12 are canceled. Claims 1 and 10 are amended. No new matter is added. In view of the following remarks, Applicants respectfully request reconsideration of the rejections.

Claims 1, 4-10 and 13-18 have been rejected under 35 U.S.C. 102(b) as anticipated by Heraud *et al.* (1998) J. Biol. Chem. 273:17917-17823. Applicants respectfully submit that Heraud *et al.* is not prior art to the present application. As set forth in the attached filing receipt, Applicants claim priority to provisional application 60/009,074, filed December 21, 1995; and to USSN 08/752,345, filed November 19, 1996, both of which considerably predate the cited reference. As such, the reference is not available as art under 35 U.S.C. 102(b). Withdrawal of the rejection is requested.

Claims 1, 4-7, 9, 10, 13, 14, 15, 16 and 18 have been rejected under 35 U.S.C. 102(b) as anticipated by Norman *et al.* (1996) J. Med. Chem. 39:1106-1111. As stated above, Applicants claim priority to provisional application 60/009,074, filed December 21, 1995, which predates the cited reference.

Further, the present claims recite an *in vitro* model for inflammation. Norman *et al.* evaluate wortmannin with *in vivo* tumor models, and against a breast cancer cell line. As is known in the art, inflammation is the "reaction of the body to injury or to infectious, allergic, or chemical irritation. The symptoms are redness, swelling, heat, and pain resulting from dilation of the blood vessels in the affected part with loss of plasma and leucocytes (white blood cells) into the tissues. White blood cells communicate with each other via cytokines, which are polypeptides released by cells of the immune system that regulate other cells. They are a broad class of soluble compounds that signal one cell type to another, particularly in response to foreign substances. Granulomas are most common in infectious diseases such as tuberculosis , leishmaniasis , and schistosomiasis , in which the body's defenses, unable to destroy the offending organisms, try to enclose them in a mass of inflammatory cells. Certain types of inflammation result in pus formation, as in an abscess. The leukocytes destroy harmful microorganisms and dead cells, preventing the spread of the irritation and permitting the injured tissue to repair itself." Columbia Encyclopedia, Sixth Edition, Copyright (c) 2004.

One of skill in the art could not interpret the term "*in vitro* model for inflammation" as including isolated tumor cells, in the absence of leukocyte mediators of inflammation.

In view of the above amendments and remarks, Applicants respectfully submit that the presently claimed invention meets the requirements of 35 U.S.C. 102. Withdrawal of the rejections is requested.

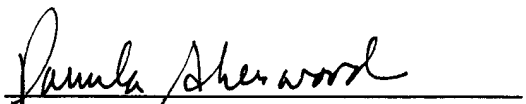
CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number KINE-001CON2.

Respectfully submitted,

Date: August 5, 2004

By: 
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09/840,704	04/23/2001	1633	355	KINE001CON2	23	18	2

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Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

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Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/566,906 05/09/2000
WHICH IS A DIV OF 09/390,425 09/03/1999 PAT 6,338,958
WHICH IS A CIP OF 08/955,841 10/21/1997 PAT 6,013,782
WHICH IS A CIP OF 08/752,345 11/19/1996 ABN
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